IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.2543/2005 IN CRI.APPEAL NO.422/2005

Anil Kumar Shrilal Parikh.
....Applicant.

Vs.

The State of Maharashtra. ....Respondent.

Mr. S.D. Nangre for the Applicant.
Mr. D.P. Adsule, APP. for the State.

CORAM : V.M.KANADE,J.
DATED : 4/5/2005

P.C.:

1. Heard learned counsel for the applicant and the A.P.P. for the state.

2. The applicant is convicted for the offence punishable under Section 392 read with 397 of the I.P.C. and sentenced to suffer R.I. for seven years and to pay a fine of Rs.1000/- in default to suffer further R.I. for three months. The learned counsel appearing on behalf of the applicant submits that the applicant is in Jail since last two years. He submitted that no test identification parade was held and only one knife was recovered at the instance of the applicant. It is further submitted that the applicant himself was injured in the incident. There was no other recovery made at his instance. It is submitted that the servant who was working in the house of the complainant had admitted in the cross examination that the applicant was shown to him by the police before he identified the

applicant in the court. It is not possible to accept the submissions made by the learned counsel for the accused.

3. The present applicant is also convicted in two other cases in which he is sentenced to suffer R.I. for three years. Therefore, he has past antecedents and that is an additional factor for refusing to grant bail. So far as the question of test identification parade is concerned that question will be considered at the time of final hearing of the appeal. The applicant is, in any case, is identified by the complainant and by the security guard in the court and therefore, application for bail is rejected.

4. The applicant is however, permitted to prepare a private paper book and as soon as the private paper book is ready he can apply for a fixed date of hearing. If his appeal is not heard within a reasonable period of time then he is at liberty to apply for bail again. If any application is made by the applicant for furlough or parole, the same may be considered expeditiously and in any case within a period of three months.

(V.M.KANADE, J.)